

GOVERNMENT AT A STANDSTILL WHILE OFFICIALS DO POLITICS

Struggle Between Mayor and Supervisors at Last Night's Session—Republicans Still Hold the Fort.

(From Wednesday's Advertiser.)

The deadlock between the Mayor and the Board of Supervisors was undisturbed at the first regular meeting of the city fathers last night. If there be any change in the situation, it is that the complications are more complicated, the mutual attitudes of the contending parties more hostile, no situation worse. Everything the Mayor attempted to do was sidetracked and flouted by the Supervisors; everything the Supervisors tried to do was blocked by the Mayor's refusal to present the motions. There was no particularly acrimonious talk, no jibes, and only one threat, that made by Logan, who intimated that the position of the Mayor's secretary might be attacked. The assembly room was jammed by those who came to see the fight, and there was considerable applause at times, some shouted comments from the spectators, and a great deal of laughing.

The Mayor announced his choice of committeemen, filed a letter with the County Attorney asking for some kind of a short cut out of the maze, stated his disbelief in the validity of everything that was being done, and appealed several times for harmony.

The Republican Supervisors repeated each of the moves made by them at the special meeting on Monday, passed a resolution legalizing each of the actions taken at the special meeting, introduced an appropriation bill for a quarter of a million dollars and passed it over the Mayor's head, confirmed various appointments, recognized their own standing committees, and ignored those of the Mayor, and generally rode roughshod over his honor and Supervisor McClellan.

The Mayor had little to say and said that according to the notes handed him, while the County Attorney wrote a few notes on his own account and passed them around among the Supervisors. He also officially recognized the Supervisors' committees and ignored those of the Mayor.

Dan Logan presided over the meeting for about two-thirds of the time, having been apparently recognized as the supervisory leader. From him Fern took the count a score of times. The Mayor put only three motions during the evening.

Minutes Objected To.

The row started immediately after the minutes had been read. The clerk had incorporated everything that had been done on Monday, including the business done prior to the official calling of the meeting. Mayor Fern stated that he would put no motion to adopt the minutes as they were wrong. He stated that he wished to secure advice from the County Attorney on this point and asked that the adoption of the minutes be not pressed until he had done so.

Supervisor McClellan sustained him, but the majority demanded the question. The Mayor asked for a suspension of the adoption as a matter of courtesy.

"We do not want to appear discourteous," answered Quinn, "but these minutes are just exactly as we remember what took place. Every member of the board is satisfied with the minutes. I ask that they be adopted."

Fern put the motion, which carried six to one.

Mayor Announces Committees.

Mayor Fern beat everyone to the floor as soon as this vote was taken and proceeded to announce the names of the standing committees selected by him, stating that he did so under the advice that the rules of the former Board of Supervisors were still in force. Cox interrupted to tell the Mayor that he was out of order.

The standing committees and the members, as announced, were those named as the choice of Mayor Fern in this paper yesterday.

As soon as the reading of the list was concluded, Aylett, Ahin and Logan all rose, but were waved back to their seats by the Mayor, who announced that he had a letter for the County Attorney that he wanted presented and read by the clerk. The letter was:

Many Questions Submitted.

"In view of the apparent differences of opinion that have arisen as to the meaning of certain portions of the Municipal Act, I desire your legal opinion, in writing, on the following points: "Section 142 of the act incorporating the City and County of Honolulu provides as follows:

"Section 142. All ordinances, orders and resolutions of the Supervisors of the County of Oahu in force at the time this charter takes effect and not inconsistent herewith shall continue in force until amended or repealed by the Board of Supervisors of the City and County of Honolulu.

"Under this provision, when did the charter provided for in said act take effect? Was the charter in effect during the month of December last?

"If you are of the opinion that the charter did not take effect until noon of January 4 of this year, what effect, if any, did the resolution passed by the retiring Board of Supervisors of the County of Oahu, doing away with all offices and positions not expressly created by the County Act or by ordinance, have upon the appointments made by me as Mayor during the month of December, pursuant to Section 146 of the Municipal Act?

"Again, I would further ask your opinion on this point: If, as a matter of fact, appointments were duly made by me as Mayor under Section 146 of the Municipal Act between the first day of December last and the first day of January of this year, and the persons so appointed thereupon qualified, as in the Municipal Act provided, and were ready to take office before the passage by the Board of Supervisors of the County of Oahu of the resolution above referred to, on the 4th day of January, would or could such action by said Board of Supervisors annul the appointments made by me as Mayor at a time when the offices filled by me existed under lawful regulations of the Board of Supervisors of the County of Oahu?

"What appointments is the Mayor required to make under Section 146 of the Municipal Act?

"Assuming that the Board of Supervisors of the County of Oahu had authority to do away with offices and positions filled by me as Mayor under Section 146 of the Municipal Act, during the month of December, is the resolution as passed by them on the 4th day of January, 1909, a valid and legal resolution, particularly taking into consideration that it attempted to sweep

away at once all boards, committees, commissions, offices, positions and employments theretofore created by the Board of Supervisors of the County of Oahu, except those created by ordinance; and taking into consideration further that it attempted to do away with all motions, votes, orders, resolutions, rules and regulations creating or tending to create such boards, committees, commissions, offices, positions and employments, and taking into consideration that it also attempted in the same resolution to do away with all rules and regulations adopted by said Board of Supervisors and then in force?

"In other words, I desire to have your opinion as to whether such a sweeping resolution is valid or whether it is not invalid and abortive, as unreasonable and arbitrary, making no provision in said resolution for the substitution of any other rules, resolutions or orders providing for the maintenance of the business of the county."

"Turning to the action taken by the Board of Supervisors under the Municipal Act at the special meeting of said Board, held on the 4th inst., I desire your opinion on the following points:

"Does the resolution and vote under which the Board of Supervisors assumed to adopt certain rules and regulations for the government of that body come within the provisions of Section 20, Chapter 4, of the Municipal Act? In short, should that resolution properly come before me for approval or veto? And in that connection I desire further to ask whether the provision in said rules purported to be adopted by the present Board of Supervisors, particularly Section 13, authorizing the Committee on Roads and Bridges, etc., to engage all employees under said department, constitutes a provision involving the disposition of public property or the expenditure of public money under Section 17, Chapter 4, of the Municipal Act?

(Note.—The power to engage employees runs through various portions of the rules, and my query, while directed specifically to the rule governing the powers of the Committee on Roads, etc., is intended to reach like provisions throughout the rules in question.)

"I desire further to ask whether the rules and regulations authorizing the engaging of employees and creating boards and conferring other powers upon them can lawfully be passed at a special meeting called by me for the sole purpose of approving official bonds, and whether such provisions are properly contained in rules established for the proceedings of the Board under Subdivision 2, Section 9 of Chapter 4 of the Municipal Act?

"I would ask your opinion whether or not the alleged rules and regulations infringe upon the executive or appointing power of the Mayor, particularly in conferring executive power upon committees of the Board of Supervisors, including the power to engage men and direct their work?

"I ask your opinion as to the validity of the action of the Board of Supervisors under the Municipal Act, taken on the 4th inst., whereby said Board of Supervisors assumed to repeal by passing a resolution identical with the resolution passed by the Board of Supervisors of the County of Oahu, on the 4th inst., certain orders, resolutions, etc., that were repealed thereby and without submitting the same to me for approval or veto. And in this connection I further ask your opinion whether it was in the power of the Board of Supervisors to pass the resolution last referred to at the special meeting on the 4th day of January, limited to the purpose hereinabove set forth."

"In conclusion, I desire to say that large sums of money will be expended and heavy obligations incurred in the near future, based upon the action heretofore taken by the Board of Supervisors in the premises, and the legality of such expenditures will depend upon the proceedings heretofore had, and I must be satisfied of the validity of all action so taken before I can make myself a party thereto.

"As early a response as the import-

ance of the matters involved will warrant is respectfully requested.
Yours faithfully,
"JOSEPH S. FERN,
"Mayor."

When Did the Act Become in Force?

The one question in the letter as to the date of the coming into force of the Municipal Act seems to be of importance. If the legal opinion is that the law went into effect when it was approved by the Governor last April, the later actions of the last Board may prove without effect. As the election was held under the act, it would seem that it was in force in November, at any rate.

Logan Refuses Appointments.

No attention was paid to the letter by the Supervisors, who went immediately to work to demolish the announced committees.

"I move that the list of the Mayor's appointments to standing committees be laid on the table," said Logan. "Even if I conceded your right to name the committees, Mr. Mayor, I would object very strongly to the fact that each committee consists of only two members. I have never heard of important committees not having odd membership. In case of a disagreement in committee there could be no majority or minority."

"I decline to put the motion," announced His Honor.

"I appeal from your ruling."

"I decline to put the appeal."

"I demand that you put the motion," said Logan.

"School's in," said someone in the crowd.

"Mr. Mayor, your refusal to put this motion is tantamount to refusing to do business with this board," said Logan.

"I will now fall back upon the rules which state that if you refuse three times to put any motion, any member of the board may put it. For the first time I respectfully demand that you put my motion."

One, two, three, and out for the Mayor, and Logan put the motion. Carried, six to one.

Logan then proceeded to put the main motion to table the list of appointments. The same refusals, demands and one-two-three business began.

"Oh, give us government by commission!" said someone, weary of the procedure, but this cry went unheeded.

Went Over Monday's Business Again.

Aylett moved the adoption of an "Order of Business," the same as adopted on Monday. Same refusals, appeals, one-two-three, carried six to one.

Quinn moved the adoption of "these rules," his motion being seconded by Ahin without the rules being read, and the motion passed in the same old way over the head of the Mayor. The rules might have been the ones adopted on Monday, but there was no assurance of this because they were not read, this being waived.

Quarter Million Appropriations.

Logan, chairman of the finance committee of the Supervisors, just named, then rose to introduce an appropriation bill carrying a quarter of a million for the expenses of the next six months.

"This bill calls for an appropriation some \$1558 over the estimated income," he said, after acknowledging that the bill had been hurriedly prepared and that he was not positive about some of the figures, these having been supplied by a clerk. "The estimates were given me as being very conservative ones, however, and are on the same basis as the former county estimates, so we are safe in that respect. There is also assurance that our income from the Territory will be greater than the amount given, especially for the next six months' period. This bill will allow an expenditure of \$18,925 a month on the roads, in addition to \$1625 from the road tax fund. I move that the resolution be adopted and that the clerk be authorized to advertise the necessary five days in the papers. The bill is a very conservative one."

Aylett seconded the motion and Fern refused to put it.

"Until I am satisfied as to the legality of the business being transacted, I refuse to be a party to it. I rule the motion out of order."

"I am astonished at that ruling," said Logan, rather severely for him.

"This resolution does not affect any of the questions in dispute. I think that this is a remarkable ruling of yours and that you ought to take it back. This resolution is just as beneficial to your hui, or faction, or whatever it is, as it is to us. I am here with my colleagues fighting a principle of law. We are in regular session and this is a regular matter of business."

Fern declined to be advised as to his ruling and declined to withdraw it.

"Then, in all seriousness, Mr. Mayor, I demand that you allow me to appeal from your ruling and that you put the appeal."

Nothing doing, whereupon Logan put the motion to override the Mayor and then the motion on the resolution.

Logan Weary of Counting.

"Is there any more important business to be done?" asked Logan. "I don't want too much of this extraordinary business. I would like to ask the Mayor when he thinks he will be able to preside over our meetings. I am getting weary of the job."

"Mr. Logan, and Members of the Board," answered the Mayor, "I am not blocking your business. This board seems to have found a way of doing things that satisfies it. I am not putting anything in your way, but I decline to have any part in it until I am satisfied of the validity of what we are doing."

One Real Committee Named.

After some little jangling back and forth about committees, a communication was read from the owners of the McIntyre building, offering the entire second floor for \$250 a month. The Supervisors wanted to close with the offer at once, but the Mayor asked that the matter go to a committee. Logan agreed, provided the committee be a special one and not one to row about. Fern finally named Logan, McClellan and Cox, this being the first committee of the board concerning whose legality there is no dispute.

Elected Officials Name Assistants.

The County Attorney, County Clerk and District Magistrate, in communications, announced the assistants they wanted. All were approved by the Republican members of the board after going through the usual routine of counting out the Mayor. Logan wanted to know what objection the Mayor had.

"These are not the same as other county employees," he said. "There is no question in dispute, no raising or cutting salaries. There can be no disputing the privilege plainly laid down in the law. If you go on in this way we will very soon interfere with your subordinates."

Rival Chairmen Clash.

There was a clash between Quinn and McClellan over the bids submitted for supplies. The bids were opened and read and on motion referred to the roads committee. No one objected, and Mayor having his committee in mind and the Supervisors their's. The chairmen of the two committees, Quinn and McClellan, both demanded the papers from the clerk who fled to Cathcart for advice. Cathcart advised him to recognize Quinn, although it was finally decided that none of the bids were in order, not having been advertised for.

Logan stated that he did not think the Mayor should object to considering the bids, as the supplies were principally mule feed and he was advising that the mules locked up were getting hungry.

The third motion put by the Mayor and carried was one to adjourn. The board will meet again this afternoon at three o'clock.

How the Fight Stands.

As matters stand at present, both parties to the dispute profess to be satisfied and state that if the other side doesn't like the way things are going the courts are open to them.

"I haven't anything to bring before the courts," said Mayor Fern. "The Republican Supervisors can start an action if they want to."

"What have we got to kick about?" asked Jim Quinn, spokesman for the majority. "Aren't we doing all right? If Fern wants to go to law, why let him."

Road Work at Standstill.

Tommy Cummins and John Wilson both claim to be in charge of all road work, the latter as the Road Supervisor, and the former as a "City and County employee." To the casual observer in the office of that official, it might appear that the two contestants were the best of friends, for they are both seated at the same desk. Yesterday, however, Cummins left Wilson in charge of the office while he went out to boss the street-sweepers and see that other necessary work was carried ahead. Little or no work is being done on the streets, Captain Coster having the horses, wagons and implements locked up in the government stables. Coster would not allow anyone to enter the stables yesterday. It was expected that the dispute would be settled one way or the other at last night's meeting of the board, but, as no definite action was taken, the deadlocked condition of road affairs will probably continue.

The question is, who is going to be paid for all the loafing now being done?

WANTS INSECT-EATING BIRDS

D. L. Van Dine of the United States Experiment Station departed on the transport Sheridan on a long leave of absence, to be spent mainly in the Eastern States.

While he is on leave to attend private business yet he will attend to several matters of public interest here. One of these will be an investigation of varieties of insect-eating birds which may be introduced to experiment with. The introduction of such birds cannot be made here, however, until an aviary is built. The latter is being planned by W. Alanson Bryan.

Another matter will be to ascertain the market for Hawaiian honey. Mr. Van Dine has taken a special interest in bee culture in the islands and will see where the product can best be marketed. He will try to secure an appropriation to carry on silk culture experiments in the islands.

Now that the American Association for the Advancement of Science has decided to hold its next conference in Honolulu in the summer of 1910, Mr. Van Dine will be active in working up interest in the excursion.

GOV. FREAR RETURNING ON THE S. S. SIBERIA

Governor Frear is due to arrive here on the Siberia from San Francisco on the 15th. There are a number of matters which Acting Governor Mott-Smith is holding up until his return, among them being Murston Campbell's report on his trip to Kauai. In this report Mr. Campbell takes up the question of the monster waterworks system at Kapaemahu. Commissioner Pratt's report is also on file in the Acting Governor's office. No action on either of these will be taken now.

Mr. Kinney for Mayor Fern

Editor Advertiser: It seems to me

you are rather hard on Mayor Fern, particularly in making him your text to prove the low status of the electorate of Hawaii and the failure of local self-government. Mayor Fern's two chief

acts have thus far been the selection of appointees to take office under the Municipal Act and the naming of committees on the Board of Supervisors. While it is true he has named appointees for many subordinate and minor offices, where there is doubt that these appointments are to be made by him, yet the fact remains that he has continued in office for leading and responsible positions most of the present incumbents. The Fire Department, the County Engineer's office, the Electric Works and the Fire and Police Alarm System are left in the hands of old appointees, everyone of whom, I understand are Republicans.

The committees the Mayor had prepared to appoint in the Board of Supervisors give but one chairmanship to McClellan, the Democratic member, and the selections otherwise certainly seem as good as the selections made by the Supervisors themselves. In the latter selections McClellan is given no chairmanship at all, but occupies a subordinate position on a committee of minor importance.

In this connection, it should be remembered that although a majority of the old Board of Supervisors were nominated by Democrats, Mr. Archer and Keolaha were persuaded to abandon Democratic affiliations after election through Republican influence, and Fern and Harvey, the two straight Democrats, were neither of them given a chairmanship of any committee, but have served their entire term in subordinate positions.

It should be remembered also that when Fern continued in office the head of the Fire Department, Electric Works, etc., it was considered beyond question that those offices at least were within the appointing power of the Mayor, and his action in the premises was a direct application of business principles in the running of his office, although he had received little or no support in his candidacy from the business interests, who are so vitally interested in eliminating politics as far as possible from the business departments of the County government. He went on to name many subordinates, but it was well understood by him and all concerned that it was a toss-up whether many of these appointments came within his duties or not. If not, no harm was done and if they were held to be

his appointees, then he had discharged his duty under the law, requiring him to make all his first appointments during the month of December last.

If he had put Democrats and his own following in all the important offices, he would be doing little more than the Republican administration had been doing right along of which policy he, himself, had been the victim in the late Board of Supervisors. In the face of such conservative and fair action in vital matters, it seems hardly the thing to raise a cry of incompetence and stupidity at once against the Mayor, because he held back and was non-committal, confronted suddenly, as he was, by a radical attempt to deprive him of the appointing and executive power that all understood was the vital feature of this municipal act.

Still more inappropriate, it seems to me, is your contention from the events of yesterday that the native electorate is unfit for local self-government. The native vote has its good and its bad points. It is after all a very conservative vote—one that has no wish or desire to declare war upon vested interests or property rights. It is a vote that has little sympathy with federated or united action of labor. It is a vote, after all, whose shortcomings are as child's play compared with the vote of classes holding the same relative position in other countries or on the mainland of the United States. Its chief fault lies in the fact that it is a controlling race vote a dangerous thing for the natives as well as for others. It has used that race vote with very little detriment to the body politic—probably more conservatively than the white race would have used that same power if in its hands. The controlling feature of the native vote will not however last very much longer. Put 5000 American voters into Hawaii representing the ideas of organized labor and 10,000 to 15,000 European families here and this same native vote will become a perfect Godsend to those who too readily carp at it and criticize it now.

Between municipal government under the leadership and control of Mr. Quinn and municipal government under the leadership and control of Mr. Fern, there may well be very considerable support drawn to Mayor Fern and to the maintenance of his executive and appointing powers and this I say without personal disparagement of Mr. Quinn. Yours truly,

W. A. KINNEY.

GEN. WESTON SAYS LEILEHUA IS IDEAL

"Leilehua is a fine site in a beautiful country and it is an ideal location for a great army post which I understand is to be built there."

Major General Weston, United States Army, made this statement aboard the transport Sheridan as the transport was about to leave for San Francisco last evening. The General had spent most of the day at Fort Shafter and Leilehua as the guest of Major Foster, Major Dunning and Captain Castner. They went to Leilehua by auto and the General critically inspected the reservation. He was greatly impressed with it. As he will in a measure be interested in the development of the Army post there, as commander of the military department of California, it is a good thing that he is satisfied.

In the last few days about 250 Hawaiians and Japanese laborers have gone to Leilehua to rush the completion of the cavalry cantonment. Some of the troopers who are to man it left San Francisco yesterday on the transport Thomas and will be here about January 12, so that the cantonment must be completed in haste.

Over 200,000 feet of lumber arrived from Seattle on the American-Hawaiian freighter Alaska last week, but so far only about 30,000 feet have been gotten out and shipped up to Leilehua. This lumber was stowed away underneath lumber consigned to other parties. It will be rushed to Leilehua as fast as discharged. Captain Castner, constructing quartermaster, in charge of the building of the cantonment, expects to have the camp completed by the time the troopers and horses arrive.

HAWAIIAN SINGERS IN NEW JERSEY

Camden (N. J.) Post Telegraph.—The next attraction in the Epworth League course of entertainments in the Broadway M. E. church will occur next Tuesday evening, November 6, at which time the Honolulu Students, an aggregation of musicians and singers from the Hawaiian Islands that cannot be surpassed, will appear.

In addition to their playing on all kinds of musical instruments and singing some colored views of the Hawaiian Islands will be shown, including the homes of the natives, their life, the palaces, and a general view of the country. The entertainment is entitled, "An Illustrated Carnival of Scenes and Songs of the Hawaiian Islands."

This is the only aggregation of singers and musicians in America from the islands, and they are indeed a novelty, and present a picturesque sight dressed in Spanish costumes. The entertainers consist of five men and one woman, Mme. Anahia. The vocal, trio and sextet are fine, and the orchestra club cannot be surpassed.

TO CURE A COLD IN ONE DAY

Take Laxative Bromo Quinine Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. PARIS MEDICINE CO., St. Louis, U. S. A.

CHEMICAL FIRE CARTS ARE HERE

A Simply constructed chemical fire cart easily handled by two men, is on exhibition in a lower Fort street window. This is the second one brought here by A. J. Gilman, the first having been sold to an outlying town for fire protection. The chemical consists of a large tank swung horizontally between two wheels. There is a pair of shafts similar to those attached to a jackshaft and so designed that over a good road one man can draw it, otherwise two.

When at rest the machine is tilted up so that the tank is in a vertical position. A footrest holds it in place. The lowering of the cart to a horizontal position prepares the chemicals for action and everything is ready when the hose is opened up on a blaze.

Mr. Gilman says that the machine is designed for suburban districts far away from regular fire headquarters, and he suggests that the improvement clubs in Manoa, Waikiki, Kalihi and Nuuanu should acquire them.

HEADLESS BODY FOUND ON LAVA

Headless, and with her left arm hacked off close to the shoulder, what was left of the body of a Porto Rican woman was found on the lava between Kau and Kona on Hawaii a short time ago, according to a report brought here by Chief Clerk Lloyd Conkling yesterday.

A blood-stained cane knife was found near the corpse by the three Hawaiian boys who discovered the dismembered body. The boys did not move the body, but started off immediately for town where they communicated with the authorities. A policeman took them in charge and, with the native boys acting as guides, started for the scene of what apparently will prove to be a most brutal murder.

The policeman had not returned before Conkling left Kona, and consequently the latter knows nothing further about the matter. The place where the boys stated they found the body is the most recent lava flow on Hawaii. This flow occurred in 1906.

James R. Love has brought suit against Edmund R. Hart, clerk of the Circuit Court at Waialeale, to recover \$400 loaned on a promissory demand note. Auditor J. H. Fisher is named as the garnishee. It is stated in the suit that Hart earns a monthly salary of \$125. The demand note was given on November 3, 1908, and it is alleged that, although demand has been made for the return of the money, Hart has persisted in a refusal.

CURE THAT COLD WHILE YOU CAN.

Better spend the small amount a bottle of Chamberlain's Cough Remedy would cost you right now than to run the risk of a cold developing into pneumonia, which may mean a big doctor's bill. For sale by all Dealers, Benson, Smith & Co., agents for Hawaii.